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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
) No. 12-0193
TED WROBEL)
)
-VS-)
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to billing/charges)
in Chicago, Illinois)

Chicago, Illinois

July 12, 2012

Met, pursuant to notice, at

11 o'clock a.m.

BEFORE :

MS. KATINA BAKER,
Administrative Law Judge

APPEARANCES :

MR. TED WROBEL
401 East Ontario Street
Chicago, Illinois
appearing pro se

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois, 60060
appearing for Commonwealth
Edison Company

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY (License No. 084-002170)

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2 JUDGE BAKER: We are going on the record.

3 Pursuant to the authority of the Illinois Commerce
4 Commission, I now call Docket 12-0193. Ted Wrobel
5 versus Commonwealth Edison Company. This is a
6 complaint as to billing/charges in Chicago,
7 Illinois.

8 Could the parties please state their
9 name beginning with counsel.

10 MR. GOLDSTEIN: Yes. For Commonwealth Edison
11 Company, Mark L. Goldstein, 3019 Province Circle,
12 Mundelein, Illinois, 60060. My phone number is
13 847-949-1340.

14 MR. WROBEL: Ted Wrobel, 401 East Ontario Street,
15 Chicago, Illinois, 60611.

16 JUDGE BAKER: Okay. And, as of today, we have a
17 matter before myself. It is a complaint as to
18 billing/charges. Both counsel, as well as the
19 complainant, have indicated that there is a zero
20 possibility of --

21 MR. WROBEL: Impasse.

22 JUDGE BAKER: -- coming to an agreement on this.

1 So at this point we are going to go
2 forward. However, we were discussing -- well, first
3 the complainant has indicated that David Kolata from
4 --

5 MR. WROBEL: Citizens.

6 JUDGE BAKER: -- CUB will be --

7 MR. WROBEL: Right.

8 JUDGE BAKER: -- filing --

9 MR. WROBEL: Amicus curiae or co-counsel.

10 JUDGE BAKER: -- well, an appearance in the
11 matter.

12 MR. WROBEL: Right.

13 JUDGE BAKER: I actually will probably contact
14 him today to see the status of when that's going to
15 happen.

16 MR. WROBEL: He's waiting for my e-mail, because
17 I was being represented by Ellis Levin, who had to
18 step down from this because of a conflict. So now
19 we are going to CUB, and David needs an e-mail from
20 me.

21 JUDGE BAKER: I will probably contact him just to
22 find out, because we are going to need a tight

1 schedule here. I need to know when he's planning on
2 filing this appearance.

3 So having said that, we are at the
4 point now where there is a complaint. The
5 complainant had indicated -- and we are just going
6 to go ahead and get this on the record -- that it
7 seem to involve a previously adjudicated docket,
8 which was 09-0206. There was a disposition entered
9 in it.

10 Do you know, counsel, what the
11 disposition was?

12 MR. GOLDSTEIN: Yes. The complaint was denied.

13 JUDGE BAKER: Okay. The complaint was denied.

14 (Interruption.)

15 Okay. So then we are at the point
16 where the complainant indicated that there was this
17 previous dockets, then you can take it from there
18 what you were saying.

19 MR. WROBEL: Right. There was impropriety in the
20 proceedings of the last case and now the --

21 JUDGE BAKER: And what were those improprieties?

22 MR. WROBEL: That is something that we will have

1 to explain, improper notification. The other issue
2 is the notice --

3 JUDGE BAKER: Notice of what?

4 MR. WROBEL: -- of a hearing.

5 JUDGE BAKER: Oh, okay. So was it adjudicated?

6 It was denied based on a no show?

7 MR. GOLDSTEIN: No, Judge. It went to a full
8 evidentiary hearing.

9 MR. WROBEL: And I was never notified of the date
10 of the hearing.

11 MR. GOLDSTEIN: He was at the hearing, testified,
12 and went through a whole process. We had witnesses.
13 He testified on his own behalf.

14 MR. WROBEL: Of the original hearing.

15 MR. GOLDSTEIN: I don't know what he's talking
16 about.

17 MR. WROBEL: There was a second meeting scheduled
18 that I had to attend.

19 MR. GOLDSTEIN: That's not true.

20 JUDGE BAKER: Okay. I mean, I can go back in the
21 record and look.

22 MR. WROBEL: The problem --

1 JUDGE BAKER: At this point --

2 MR. WROBEL: If I may, the problem that

3 exist --

4 JUDGE BAKER: No. At this point we are here on

5 this docket. Okay.

6 MR. WROBEL: That's a formal charge.

7 JUDGE BAKER: Please. Please.

8 MR. WROBEL: Right.

9 JUDGE BAKER: I'm going to have to look into

10 this. If this has been adjudicated, 09-0206 has

11 nothing to do with this.

12 MR. WROBEL: That's only an aggregate, a small

13 component of this new formal charge.

14 JUDGE BAKER: Okay. So this new formal charge

15 now involves the rate increase?

16 MR. WROBEL: The rate increase commingling.

17 JUDGE BAKER: What's the commingling?

18 MR. WROBEL: A previous balance that was charged

19 off --

20 JUDGE BAKER: In this 09-0206?

21 MR. WROBEL: -- and that has now been added to my

22 current bill. That's another component of it.

1 JUDGE BAKER: Okay.

2 MR. WROBEL: The third component is the refunds
3 on deposits, the refunds on -- there was also a
4 security deposit put up. The other component was --

5 JUDGE BAKER: What's the problem with the
6 security deposit?

7 MR. WROBEL: That was never forwarded toward my
8 balance --

9 JUDGE BAKER: You mean in this 09-0206 case?

10 MR. WROBEL: -- which is now part of my new bill.
11 They just recently, within the past 30
12 days, have now attached the old bill which they
13 agreed to charge off.

14 JUDGE BAKER: We are going to have to stop right
15 here, because honestly this is like a riddle. I'm
16 having difficulty understanding really any of this.

17 MR. WROBEL: I have bills here to substantiate.

18 JUDGE BAKER: I don't need the bills. What I
19 need -- because, again, I need to understand this.

20 MR. WROBEL: Right.

21 JUDGE BAKER: You had the 09-0206 case --

22 MR. WROBEL: Right.

1 JUDGE BAKER: -- and it was adjudicated.

2 Your complaint was denied. Okay.

3 MR. WROBEL: Right.

4 JUDGE BAKER: So now we all understand this,
5 regardless of how you feel about it, we know this to
6 be a fact.

7 MR. WROBEL: Right.

8 JUDGE BAKER: It was denied.

9 MR. WROBEL: That's a small component of the
10 formal charge.

11 JUDGE BAKER: I'm not even talking about that at
12 all. You are the one that's saying now we have a
13 security deposit.

14 And, counsel, if you can help, jump in.
15 There's a security deposit, right, that's at issue?

16 MR. GOLDSTEIN: I don't know what he's talking
17 about, Judge. Let's just set this for evidentiary
18 hearing. This is just nonsense.

19 JUDGE BAKER: I'm trying though, counsel --
20 before we go to an evidentiary hearing, I need to
21 know what the foundation of the complaint is
22 and I --

1 MR. GOLDSTEIN: I would like to know what the
2 foundation of the current complaint is, too.

3 MR. WROBEL: If I may continue.

4 MR. GOLDSTEIN: It's certainly not clear from the
5 complaint.

6 JUDGE BAKER: You can continue. It's just
7 important that I --

8 MR. WROBEL: Sure.

9 JUDGE BAKER: -- understand.

10 MR. WROBEL: I don't want this to be --

11 JUDGE BAKER: You are saying -- okay. So
12 there's a security deposit in another case.

13 MR. WROBEL: Right. The other challenge or
14 charges we are bringing in front of the Commission
15 are the meter reading issues. I think I mentioned
16 the rollback refunds; the commingling of accounts, I
17 think I mentioned.

18 JUDGE BAKER: The security deposit.

19 MR. WROBEL: Right. The fact that Commonwealth
20 Edison has violated usuary violations, billing.
21 Hold on.

22 JUDGE BAKER: Okay.

1 MR. WROBEL: Hold on. And there were two more.

2 You can tell I wasn't ready for today's meeting. I
3 got my dates screwed up after my conversation with
4 you. I do remember though you mentioned you had to
5 do this today, because of your condition. I don't
6 know how far along you are in your pregnancy.

7 JUDGE BAKER: I'm at the end.

8 MR. WROBEL: I don't have the documents with me.
9 They are in the possession of Ellis Levin in which I
10 have to get the documents from my previous counsel.

11 JUDGE BAKER: Okay. So the bottom line is we
12 have this complaint case that cannot be -- there can
13 be no resolution amongst the parties. You have told
14 me about at least five grounds upon which you are
15 basing this complaint, such as usuary, commingling,
16 rolling back of funds. Counsel's indicated that we
17 just go ahead and set this for evidentiary hearing,
18 because, obviously, that's the next logical step
19 because --

20 MR. WROBEL: Correct.

21 JUDGE BAKER: -- there can't be any resolution, so
22 that is what we are going to do. I'm going to set

1 it -- I'm going to give it a longer date than you
2 are going to like, counsel, but we are going -- I'm
3 going to talk to Dave Kolata and we are going to
4 give Mr. Wrobel plenty of time for Dave Kolata to
5 get his appearance and then whatever discovery.
6 There will only be one date, Mr. Wrobel.

7 MR. WROBEL: Yes. It's going to have to be after
8 the 9th of next month.

9 JUDGE BAKER: Oh, that's fine. It will be
10 significantly after that.

11 MR. WROBEL: Right.

12 JUDGE BAKER: Having said that though, no, no,
13 rescheduling.

14 MR. WROBEL: No, I appreciate your cooperation.

15 JUDGE BAKER: That's okay.

16 MR. GOLDSTEIN: When are you going to be coming
17 back, Judge?

18 JUDGE BAKER: To the --

19 MR. GOLDSTEIN: When are you going to be back,
20 Judge?

21 JUDGE BAKER: How about the first week in
22 November?

1 MR. GOLDSTEIN: Fine with me.

2 JUDGE BAKER: Does that work with you?

3 MR. WROBEL: That's fine.

4 JUDGE BAKER: That gives everybody enough time.

5 MR. GOLDSTEIN: After Election Day?

6 JUDGE BAKER: Which is the 6th.

7 MR. GOLDSTEIN: The 6th.

8 JUDGE BAKER: Do you want to do it the 7th?

9 MR. GOLDSTEIN: Or the 8th. Let do it the 8th.

10 JUDGE BAKER: You want to do it the 8th? Does

11 the 8th work for you?

12 MR. WROBEL: I'm running a campaign for a

13 judicial figure. 8th is fine.

14 JUDGE BAKER: Okay. Is there anything else we

15 want to get on the record at this status hearing?

16 MR. GOLDSTEIN: I have nothing else.

17 MR. WROBEL: That's it. I do have to send Dave

18 Kolata an e-mail.

19 JUDGE BAKER: That's --

20 MR. WROBEL: Can you give me a date?

21 JUDGE BAKER: You have got --

22 MR. WROBEL: He's expecting my e-mail, the one I

1 had sent him.

2 JUDGE BAKER: Oh, you have got plenty of time. I
3 think this is actually --

4 MR. GOLDSTEIN: What time?

5 JUDGE BAKER: 11 o'clock, I'll do it. It
6 probably works best, because it will give you time
7 to get your counsel straight and any discovery. You
8 mentioned to me on the phone about discovery.

9 MR. WROBEL: There's also an advocacy group that
10 had wanted to serve as amicus curiae counsel as well
11 and we are trying to work that out right now.

12 JUDGE BAKER: They have got plenty of time to do
13 that. Okay.

14 MR. WROBEL: Thank you for your cooperation.

15 MR. GOLDSTEIN: Thank you, Judge.

16 JUDGE BAKER: Thank you.

17 (Whereupon, the above
18 matter was adjourned
19 to be continued to
20 August 8, 2012 at
21 11 o'clock a.m.)

22